

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6240**

**BILL NUMBER: SB 52**

**NOTE PREPARED:** Nov 12, 2010

**BILL AMENDED:**

**SUBJECT:** Unauthorized Adoption Facilitation.

**FIRST AUTHOR:** Sen. Leising

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill provides that the law making unauthorized adoption facilitation a crime does not apply to a child placing agency licensed under the laws of Indiana or another state or to an attorney licensed to practice law in Indiana or another state. (Current law provides that the law making unauthorized adoption facilitation a crime applies to a child placing agency not licensed in Indiana and an attorney not licensed in Indiana.)

**Effective Date:** Upon passage.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** *Summary:* This bill is expected to have a negligible fiscal impact.

**Additional Information:** This bill will return part of Indiana Code to a prior version before SEA 140-2010 was enacted. The bill will exempt child placing agencies and attorneys who are licensed to practice in another state from committing unauthorized adoption facilitation, a Class A misdemeanor.

The number of child placing agencies and attorneys licensed to practice in other states who engage in adoption facilitation in Indiana is not known. Additionally, it is not known how many child placing agencies and attorneys licensed in another state that perform adoption facilitation in Indiana have been charged or convicted of unauthorized adoption facilitation since SEA 140-2010 took effect on July 1, 2010. However, it is assumed that the number of individuals charged or convicted of this offense since the effective date of SEA 140-2010 are few, if any. This bill has the potential to decrease the number of convictions for

unauthorized adoption facilitation in the state, although the impact would be limited.

*Penalty Provision:* If there is a reduction in court cases where fines may have been collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would decrease. The maximum fine for a Class A misdemeanor is \$5,000. However, any reduction in revenue would likely be small.

**Explanation of Local Expenditures:** *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail.

**Explanation of Local Revenues:** *Penalty Provision:* If there is a reduction in court actions where a guilty verdict might have been entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Bill Brumbach, 232-9559.